

MINUTES
of the
Mental Health Planning Advisory Council
meeting on
December 12, 2002
held at
Northern Nevada Adult Mental Health Services
Building One, Second Floor
Tillim Room
480 Galletti Way
Sparks, NV 89431-5573

I. CALL TO ORDER, ROLL CALL, INTRODUCTIONS

Alyce Thomas, Chair of the Council, called the meeting to order at 10:15 am.

Members present:

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| • Aitken, Nancy | • Johnson, Rosetta |
| • Bennett, Bob | • Legier, Barbara |
| • Caloiaro, Dave | • Parra, Debbie |
| • Clark, Jerry | • Taycher, Karen |
| • Crowe, Kevin | • Thomas, Alyce |
| • Doyle, Mike | • Uptergrove, Anna |
| • Jackson, Barbara | |

Members absent:

- | | |
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| • Cooley, Judge W. | • Dopf, Gloria |
| • DeJan, Emil | • Rodriguez, Jenita |

Staff and others in attendance:

- | | |
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| • Cotton, Ed – DCFS | • Zeiser, Andrew– Administrative Consultant |
| • Dermody, Retta – Nevada PEP | |

II. APPROVAL OF MINUTES FROM PREVIOUS COUNCIL MEETING

Alyce Thomas asked for questions and comments on the minutes set forth for approval. Ed Cotton said that he has concerns about comments from Council members noted on page 12, regarding the difficulty Jenita Rodriguez had reaching him and requests that he be at the Council meetings. He said there were no messages or e-mails from Jenita to request his presence at the October 29 meeting. He also clarified that Jerry is the Division of Child and Family Services (DCFS) representative on the Council, not himself. He asked that it be noted in today's minutes that he did not receive any calls from Jenita.

Alyce said she contacted Ed after the October 29 meeting to request that he attend today's meeting in order to make a presentation on Legislative issues. Alyce also noted that Jenita is sick, has been recently hospitalized, and will not be available until after the first of the year. Based on this, she is not available to respond to Ed's concerns. Alyce then asked for a motion to approve the October 29 minutes.

Karen Taycher expressed concern that the minutes for October 29 are too lengthy and asked if Andrew Zeiser was directed to alter his approach to taking minutes. Andrew stated that the October 29 minutes are about average in length compared to others, and noted for example that the minutes from the July 12 meeting are about the same length. Rosetta Johnson said she believes the minutes demonstrate an appropriate level of detail and asked what Karen believes should be changed. Karen said she does not want anything changed but wondered if Andrew had been given a directive to include more detail. Alyce said no, and then asked again for a motion to approve.

MOTION: Made by Nancy Aitken, seconded by Barbara Jackson, to accept the minutes from the October 29, 2002, meeting as submitted.

UNANIMOUS VOICE VOTE; MOTION CARRIED.

III. SUBCOMMITTEE UPDATES

LEGISLATIVE

Alyce Thomas began by noting again that Jenita Rodriguez could not be present today. She then asked Ed Cotton to provide his update on DCFS Legislative issues. Ed distributed an overview of DCFS budget issues. He said that the emphasis of their future service provision will be on wrap services. He then referred to the recommendations from the mental health consortia, distributed with the meeting packets. He noted that some of the consortia's findings relate to the high cost of residential services. The goal of wrap services is to get kids out of residential treatment and into community based services. He underscored the high cost of residential services and said that community based services, including foster care, are much more cost effective. Ed also brought up out-of-state placements and the high cost of these, as well as the distance such placements impose on children from their immediate family or relatives.

Ed emphasized that any child can be served effectively in the community. He brought up the difficulty of recruiting foster parents, particularly in the rural areas, and discussed ways that foster parents can be effectively recruited. He again underscored the need to develop community based services and explained that they promote an easier transition for children into adulthood. A focus on wrap services will save substantial amounts of money compared with residential services and will become self-sustaining in the long run.

He then discussed the recommendations from the mental health consortia in more detail, noting the extension of this year's report due date from January 1 to June 15, 2002. He said that more support information is available beyond the summary distributed in the meeting packets. He also said that he would like to develop levels of care that are focused on early intervention.

Other consortia recommendations he reviewed relate to changing Medicaid regulations to simplify early access and expand the provider network. He also discussed Medicaid eligibility issues, explaining that eligibility in Nevada has been far too limited and has therefore reduced the services available to children. He also discussed the fact the identification of children as seriously emotionally disturbed (SED) is not an allowable disability under Medicaid. He said that staff and stakeholders have met with Medicaid to try to set up mental health specialty clinics in order to expand the provider network and focus on early intervention.

Rosetta Johnson commented that important partners in this process should be doctors and teachers. This would help stakeholders agree on the identification of mental illness in children. Rosetta noted that identification of children with SED is problematic. Ed said he believes there are different types of SED and that more specificity is required. Rosetta agreed this would help give children the type of treatment they require. She underscored that those involved in helping children need to be knowledgeable about brain disorders. Dave Caloiaro brought up school guidance counselors and their traditional roles in the process. He believes that more social workers could be put in these positions to help work with families to gain access to clinical services. He said there has been a trend in this direction and that it is a start toward improving school involvement.

Karen Taycher commented that until the federal government starts allowing the different labeling, most funding streams are attached to strict definitions of SED. She also noted that different federal agencies use different definitions of SED, e.g., the Substance Abuse and Mental Health Services Administration (SAMHSA) versus the Department of Education. She said change needs to come at the federal level. Alyce agreed.

In response, Ed emphasized that children identified as SED should not all be treated the same because they have different problems that require different treatment. Rosetta then asked Karen about Nevada PEP's approach to service provision. More discussion followed.

Ed said he believes that mental health professionals do a good job of providing specific services and developing individualized service plans, as compared with child welfare staff. As far as school involvement is concerned, he does not believe that teachers can be expected to make clinical assessments. The best that can be hoped for is that children identified with problems will be referred to appropriate services. Alyce underscored the need to remember that service

provision should be in the least restrictive environment. More discussion followed. Rosetta emphasized the need to provide different methods of education based on a child's needs.

Ed continued by discussing the mental health consortia recommendations for system enhancements that include a 24-hour hotline to help parents access support services. He also discussed a plan to provide mobile crisis services in Washoe and Clark Counties, but indicated that funding may be a barrier. He also discussed expanding funding to include mental health services for children in the child welfare and juvenile justice systems. He noted that a pilot project was recommended in Washoe County for integrated services for children who are identified as having mental health needs but are not within the system, i.e., they are still in their home.

Karen asked for clarification as to whether the consortia recommendations are made to the Legislature or to DCFS. Ed said they are presented the Legislative Subcommittee on Children, Youth, and Families, and then also to DCFS. Karen asked if the recommendations are a joint effort between the consortia and DCFS. Ed said it is somewhat of a joint effort, such that DCFS may or may not agree with some of the consortia recommendations. Karen asked additional questions about how the recommendations will fit into DCFS priorities, and she asked about a comparison of consortia recommendations versus Division recommendations. Ed said he does not have such a comparison available right now, but it could be developed. He can verbally report what recommendations DCFS supports and what they do not. However, he noted that some DCFS recommendations may not be forwarded to the Legislature based on budget restrictions.

Alyce said she would like to see a comparison as requested by Karen. Ed said he would provide this to Andrew for distribution to the Council. He reiterated that budget constraints will definitely affect what recommendations are forwarded during the Legislative session. More discussion followed.

Mike Doyle asked how many children are currently in residential treatment. Ed said about 30 are now placed out-of-state. Jerry Clark said there are about 700 residential beds in higher levels of care within the state. Karen commented that she appreciates Ed's advocacy efforts on behalf of mental health. However, she would like DCFS to provide more support to natural parents, indicating her belief that natural parents need to get the same types of services that foster parents do. Ed agreed and said this has been discussed by DCFS staff. He emphasized the need for family preservation and the importance of services related to this. More discussion followed. Ed also said that DCFS is trying to address the issue of lost Medicaid coverage for children who move from residential services back to the home. This is related to Karen's concern that when children are returned to their biological parents they lose services. More discussion followed.

Rosetta then asked if children treated in Rural Clinics by the Division of Mental Health and Developmental Services (MHDS) can only be served if they are identified as SED. Kevin Crowe and Jerry said non-SED children can be treated, but the service priority is for children identified as SED. Kevin also noted that MHDS uses the same definition of SED as DCFS does. Rosetta asked how children who are emotionally disturbed are separated from those with brain disorders. Kevin said this is done by the clinicians on a case-by-case basis.

BYLAW

Alyce said she spoke with the Deputy Attorney General for MHDS, Ed Irvin, and he will respond in writing to her letter about the grievance process, which was included in the meeting packets. Ed Irvin verbally noted to Alyce that he believes the Council may be taking the grievance process too far. Dave thanked her for the update and he summarized the remaining issues that pertain to Article X, section two, item six of the bylaws as outlined in the letter:

6. *In the event the grievant does not agree with the Council's final decision, the grievant may appeal to the Administrator of the Division of Mental Health and Developmental Services (MHDS).*

Dave said that with due respect to Ed Irvin's comments, he believes there should be at least one level of recourse for grievants and he believes this is common among other State boards and commissions. He said this is the only outstanding bylaw issue and asked if there are any other questions from the Council members. Alyce agreed this appears to be the only remaining issue and said Ed Irvin recommended that the bylaws be kept as simple as possible. She said the written response from Ed is expected by the end of the year.

Kevin asked about the proposed increase in Council membership. Alyce said she has spoken with Governor's Office and this is not a problem. Once the issue surrounding the grievance procedure is resolved, the other changes can go into effect including the increase in membership. Dave reiterated that there were several key changes proposed including membership, vacancies, and the grievance procedure.

SECLUSION AND RESTRAINT

Alyce asked Bob Bennett and Kevin for their update. Kevin said that MHDS is working to eliminate the use of seclusion and restraint. The Division applied for and received technical assistance related to this from the National Technical Assistance Center (NTAC). Nevada is one of five host states receiving their assistance. The initial training is scheduled for Summer, 2003. It consists of a curriculum to reduce seclusion and restraint. Kevin noted that Nevada is well below the national average for the use of seclusion and restraint, and that the State does not have a significant problem with it. However, this does not mean that MHDS will not be making efforts to eliminate it. Currently, MHDS has identified a list of participants in the training and has scheduled a planning meeting for January, 2003.

Jerry asked why DCFS staff was not invited to participate. Kevin said that NTAC is limiting participation to 10 persons with specific staff positions designated. Kevin said that there is not room in the slate of participants at this time. Jerry asked if these people will be able to train others. Kevin said yes. However, he noted that he is disappointed in the lack of inclusion of DCFS and will revisit this topic with NTAC. He explained that many MHDS Developmental Services staff members will not be included as well. Kevin noted that other states are limited in their participation in the training also. Mike asked if other states are including both child and adult representatives in the process. Kevin said that in most other states they have a single

system for both children and adults. He said NTAC has indicated that after this initial training, others will be able to be included in future trainings. Dave asked if the focus is on adults. Kevin said yes. Jerry asked if NTAC believes that children are neither secluded nor restrained. Kevin said no, but their current focus is on adults. He reiterated that he will bring up DCFS participation with them again. He then discussed the logistics of the training and the NTAC requirements, including meeting setup, data reporting, etc.

Alyce asked if this is SAMHSA funded. Kevin said NTAC is funded by SAMHSA. Alyce noted that typically, SAMHSA trains a core group of people and then expects that they will train others. They see this as the most cost-effective way to conduct training. More discussion followed.

Kevin complimented Bob's materials he has compiled related to seclusion and restraint. Alyce asked Bob to distribute a copy to Ed Cotton as well. **Kevin said that Andrew could distribute the information in the next meeting packet.** Bob noted that it will be put on Traci Lister's Nevada Recovery Guide website as well.

Dave commented that he believes there are more laws and regulations that pertain to seclusion and restraint of children compared with adults. He discussed the Joint Commission on the Accreditation of Healthcare Organizations' (JCAHO) requirements related to accreditation. More discussion followed. Mike Doyle commended Bob for keeping this issue at the forefront.

Alyce then called for a break.

**** The meeting broke at 11:45 am, then resumed at 12:00 pm.*

III. SUBCOMMITTEE UPDATES (CONTINUED)

Alyce Thomas said that Bob Bennett has additional comments on seclusion and restraint. Bob noted that at the last meeting a letter was distributed from the National Alliance for the Mentally Ill (NAMI) requesting State data on seclusion and restraint. Bob said he spoke with Kevin Crowe about it, and Kevin does not see any problem with MHDS providing the requested information. Bob said he wants the Council to vote on supporting the request for this information. Andrew Zeiser noted that the Council could express its support without a formal vote if needed. Alyce said she believes the Council should be given the opportunity to review this matter and that it should be set on the next meeting agenda for discussion and voting.

Kevin said there is tension about this topic at the national level. Alyce asked if MHDS has agreed to provide the information, why does the Council have to set a vote for support? Bob said his understanding is that Carlos Brandenburg requested the Council's formal support. Alyce said that if the Council is supposed to review the matter in more detail, **she asked that Bob's support information be distributed in the next meeting packet and set on the agenda for discussion.**

**** The following item was taken out of order at the request of a Council member.*

VI. NEW BUSINESS

Alyce Thomas took this item out of order to allow Rosetta Johnson to discuss her Summit on Systems Integration. Rosetta said about 200 people attended and that the conference was well received by participants. Five key presenters provided information. Rosetta discussed some of the State agency participants and other stakeholders in Nevada that were present. She explained that the second part of the conference included workgroups with the presenters to discuss the aspects of the different approaches that they reviewed. The goal was to discuss systems integration and the effective use of funding. Rosetta said one recommendation that emerged from the conference was the implementation of cross-training between disciplines. Another was that systems integration is required to address service gaps.

Rosetta reiterated that the response to the Summit was very positive. Human Potential Development will be working to continue efforts in this area and has identified three pilot projects. Rosetta noted she will also make a presentation tomorrow at Senator Randolph Townsend's Legislative Subcommittee meeting.

Alyce concluded by saying that Rosetta will be providing future updates on this project.

IV. REVIEW AND APPROVE FY 2003 COUNCIL BUDGET

Alyce Thomas began by asking Andrew Zeiser to review the proposed Council budget. Andrew provided his overview of the two documents he distributed: one is the expenditure report for FY 2002, the other the proposed budget for FY 2003. While reviewing the expenditure report, he provided background on key items and mentioned the out-of-state travel savings related to the recent CMHS grant reviews being held on the West coast, and noted that these savings may not continue in the future. Alyce commented that grant review may rotate to a more distant, and expensive, location in the coming year. Andrew briefly reviewed the FY 2003 proposed budget and noted that this is a flat budget projection and may change if a grant increase is awarded by CMHS for FY 2003. Kevin brought up the need for the Council to discuss the possible use of a grant increase, emphasizing the need for emergency services in the south.

Andrew summarized by noting that there are still unreconciled expenditures from FY 2002, and the balance remaining of approximately \$2,900 would cover these and allow for additional travel expenditures in the coming fiscal year. He explained that all line item adjustments in the proposed budget were made to try to bring the individual line items into balance. He reminded the Council members that although line item budgeting is required, the Council is limited only by the total budget amount and can overspend and underspend within individual categories. Alyce asked for questions and discussion on the budget. No additional comments were made. Alyce then requested a motion to approve the FY 2003 proposed budget. Kevin interjected to compliment Andrew's work on the budget and the format of the reports.

MOTION: Made by Kevin Crowe, seconded by Dave Caloiaro, to approve FY 2003 proposed Council budget as presented.

MAJORITY VOICE VOTE; MOTION CARRIED.

ABSTAINED: Karen Taycher

V. EXECUTIVE REPORT

Alyce Thomas began by briefly bringing up the Juvenile Justice Commission (JJC), noting that Ed Cotton provided a good update at their last meeting. She then brought up Ticket to Work and discussed the problems associated with using tickets recently issued in Nevada. She reported that there is currently no Medicaid buy-in plan, so the tickets are not useable if participants in the program cannot obtain insurance coverage. Also, she said there is no employment network in place to support people with mental disabilities. Alyce and Barbara Legier briefly discussed the support provided through the program to persons with disabilities who have never worked versus those who have left work due to a disability and are trying to return to work. Extensive discussion followed about the barriers to implementing the program.

Alyce asked if Ed has any comments on the topic of juvenile justice. He brought up the Summit View facility that was closed a year ago. At the Legislature's direction, DCFS went through a bidding process for private providers to reopen and operate the facility. This was not successful because all of the bids were too high. Although the Legislature had originally directed that a contractor run the facility, the Governor requested that DCFS put together a proposal to run it. Ed is not certain that this proposal will be approved by the Legislature. Kevin asked about DCFS' ability to run the facility. Ed said he believes that DCFS can run it at a similar cost as the private proposals but provide more services. More discussion followed.

Karen Taycher asked Ed if he knows how many juvenile cases are sent out-of-state. He said that about five or six adolescents are currently placed out-of-state based on Summit View's closure. However, he noted that its closure has put a capacity strain on other facilities. More discussion followed about the cost of out-of-state placements.

Alyce moved on to discuss the annual CMHS block grant review. She said for the second year in a row Nevada's application was accepted without modifications. One thing that was verbally noted at the grant review was the need to include information in the application about mental health training for emergency responders. She discussed SNAMHS training being held next month that will focus on this, which includes participation from law enforcement. Alyce discussed the importance of stigma training to professionals involved in working with and serving clients.

Kevin said that the review was very successful and the grant was well regarded by the review committee. Kevin agreed that the next application should include information on mental health training for emergency responders. Also, he would like to see improved data reporting. The reviewers also asked about Council membership and representation categories. He discussed the issue of dual representation, which Nevada considers for its members. However, he said that the reviewers indicated that representatives should be for one primary category only. Alyce said that although she is now a State employee, she will always consider herself to be a child advocate.

Kevin noted that CMHS has not given clear direction about this, however, the current composition of the Nevada Council is a concern. He brought up the example of parents of children with SED whose children have aged out of system. Once this occurs, it was suggested that replacement representatives be sought who have children in the system.

Alyce noted that Kevin was invited by CMHS to be a reviewer this year. Kevin said he reviewed 13 grants from the western region. Based on this, he is confident that Nevada's grant is well constructed. Kevin also noted that as a reviewer, he learned a lot about what other states are doing within their service systems. He said it is apparent that all states are struggling with budget cuts, particularly California.

VI. NEW BUSINESS

Alyce Thomas said she spoke with David Ward, Chair of the MHDS Commission, about the next joint meeting of the Council and the Commission. Alyce said David suggested May, since it is mental health awareness month. Alyce would like the Council to begin thinking about this.

Alyce also brought up Mike Doyle's resignation from the Council, which is effective after today's meeting. Mike said he is leaving because he is retiring from Douglas County Juvenile Probation. He expressed to the Council that he believes it has advanced a lot of important work and that the work the Council does affects people positively, even if the members are not always aware of it. He said his choice to resign was primarily because he will no longer be representing law enforcement after retirement.

Kevin expressed his appreciation to Mike for his work toward helping to positively change the Council and for the stability he has provided. Kevin asked that the Council issue a letter to Mike to express its thanks for his service. Alyce said she is working on this. Alyce also expressed her thanks to Mike for his work with her as Vice Chair.

Kevin asked briefly about what the bylaws provide for to replace the Vice Chair. Alyce said she will review this with Andrew Zeiser.

Barbara Jackson said that as a consumer member of the Council, she has felt nothing but respect from Mike during his time of service and she appreciates it greatly.

VII. PUBLIC COMMENT

Public attendees made their comments under the above agenda items.

VIII. SET DATE, TIME, LOCATION, AND TOPICS FOR NEXT MEETING

Alyce Thomas asked that the Council set a meeting schedule for calendar year 2003. Kevin Crowe said the Legislative session will end in May and he believes the joint meeting with the

MHDS Commission should be much sooner. The Governor's budget will be out in January and he thinks the Council should meet around this time. He suggested that the Council schedule the joint meeting around an existing Commission meeting, as was done last year. He contacted MHDS and found out the next Commission meeting is on February 7, 2003.

Alyce asked if the Council members are okay with February 6 for joint meeting, with a Council meeting scheduled for February 5. Alyce said these dates fall on a Wednesday and a Thursday. The members agreed. She said she will contact David Ward about the February 6 date. At the February 5 meeting, she will set the remaining meeting dates for 2003.

IX. ADJOURNMENT

The meeting was adjourned at 1:20 pm.